



IFW 2136 \$

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Hal Joseph Burch
William R Cheswick

CASE 2-9

Serial No. 09/901286 Group Art Unit 2136

Filed July 9, 2001

Examiner F. B. Alomari

Title Method And Apparatus For Tracing Packets In A Communications Network

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450


SIR:

Enclosed is a Response to Office Action and a Request for Reconsideration with a Declaration Under 37 CFR 1.131 and a two-month Petition for Extension of Time in the above-identified application.

NO ADDITIONAL FEE REQUIRED

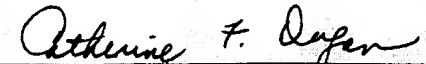
In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Deposit Account No. 12-2325** as required to correct the error.

Respectfully,


Kenneth M. Brown, Attorney
Reg. No. 37590
908-582-5998.

Date: 6/28/05

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

Date of Deposit <u>June 28, 2005</u>	
I hereby certify that this correspondence is being deposited with the United States Postal Service First Class Mail in an envelope addressed to: Mail Stop <u>Amendment</u> , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated above.	
Catherine F. Dugan	
Printed name of person mailing paper	Signature of person mailing paper



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Inventor(s) Hal Joseph Burch
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SIR:

RESPONSE TO OFFICE ACTION AND REQUEST FOR RECONSIDERATION

In connection with the above-referenced patent application, and in response to the Office Action dated February 10, 2005 in connection therewith, Applicants hereby traverse all outstanding rejections and respectfully request reconsideration of the instant application.

In the instant application, claims 1-30 are pending. In the instant Office Action, claims 1-4, 6-19 and 21-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0032717 A1, published on March 15, 2002 and filed on May 15, 2001 by Gerald R. Malan *et al.* (hereinafter "Malan") in view of U.S. Patent Application Publication No. US 2001/0005360 A1, published on June 28, 2001 and filed on December 22, 2000 by Kyoung-Woo Lee *et al.* (hereinafter "Lee"); and claims 5 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Malan and Lee as applied to claim 1 and further in view of U.S. Patent No. 6,205,122 issued on March 20, 2001 to Azulai Sharon *et al.*

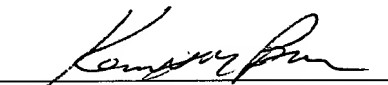
By way of this submission, Applicants attach hereto a Declaration under 37 C.F.R. 1.131 (hereinafter "the Declaration"), executed by both inventors of the instant application, which includes as an exhibit thereto a copy of a published paper entitled "Tracing Anonymous Packets to Their Approximate Source" (hereinafter "the Paper") by Hal Burch and Bill Cheswick (the inventors of the instant application), which paper was published on or before December 8, 2000 in Proceedings of the 14th Systems Administration Conference (LISA 2000), New Orleans, Louisiana, USA, December 3-8, 2000, USENIX Association. (Note that the Paper may be located on the USENIX web site, www.usenix.org, and more specifically, may be obtained from said web site at: <http://www.usenix.org/publications/library/proceedings/lisa2000/burch.html>.) In particular, the Declaration states that the instant invention was conceived and reduced to practice prior to December 22, 2000, and that the publication of the Paper on or before December 8, 2000 evidences these facts.

Specifically, therefore, Applicants note that the publication date of the Paper clearly precedes the effective date of both the Malan and Lee references. As such, Applicants respectfully submit that these references have been antedated by the Declaration and thus are no longer admissible prior art to the instant invention. Thus, Applicants traverse all of the outstanding rejections of the instant claims, and respectfully submit that the instant application is in condition for allowance.

Reconsideration of this application is respectfully requested in light of this submission. The Examiner is invited to telephone Applicant's attorney, Kenneth M. Brown, at (908) 582 - 5998, should there be any questions or issues for discussion in the reconsideration of the pending application.

Respectfully,

Hal Joseph Burch
William R Cheswick

By 
Kenneth M. Brown, Attorney
Reg. No. 37590
908 - 582 - 5998

Lucent Technologies Inc.

Date: 6/27/05